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DECISION



Keith Henderson
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: A-189783

DATE: November 30, 1977

MATTER OF: Lewis J. Rumfelt - Transportation of
Household Goods

DIGEST: Employee claims excess weight charge of 980 pounds resulted from including unused packing materials. Agency's report, however, shows that net weight did not include packing materials. Claim must be denied in view of report.

By letter dated February 2, 1977, Mr. Lewis J. Rumfelt, a civilian employee for the Department of the Army, appeals the Claims Division Settlement Certificate dated January 3, 1977, which disallowed his claim for reimbursement of the excess weight charge incurred in the transporting of his household goods incident to his transfer on July 7, 1975.

When Mr. Rumfelt's household goods were transported from Fort Kobbe, Canal Zone, to Curupu Heights, Canal Zone, they exceeded the 11,000-pound limitation imposed by 5 U.S.C. § 5724(a)(2). Mr. Rumfelt paid the sum of \$68.50, which represented the charge for exceeding the maximum weight limitation by 980 pounds.

Mr. Rumfelt contends that he is entitled to be reimbursed for this charge because at the time his household goods were weighed, an excess number of unused boxes and packing materials were included, causing the goods to exceed the maximum limitation. According to Mr. Rumfelt the weighing of left-over packing and moving materials, such as wrapping paper and boxes, along with the household goods is not authorized and he should not have to pay for transporting them. In his letter of February 2, 1977, Mr. Rumfelt states that:

"It is strongly believed that the new and un-used packing materials in question, were not included in the tare weight but were included in gross weight which would cause the materials to be considered as household goods weight."

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In view of the allegations made by Mr. Rumfelt concerning the net weight of the household goods shipped we requested a supplemental report from the Department of the Army. By letter of October 21, 1977, the Department of the Army furnished the following information.

"This office contacted Panama Packing and Storage Co. to obtain the procedure applied in arriving at chargeable weights in connection with Mr. Rumfelt's intra-area move. The following information was provided by that firm:

"a. Prior to departing for member's residence, the truck containing all packing materials was weighed by the agent.

"b. After packing was accomplished, the truck was again weighed with packed household goods as well as excess unused packing materials.

"c. The gross weight of (a) above was subtracted from the weight of (b) above to arrive at chargeable weight.

"Based on the above findings, it would appear realistic weights were obtained."

At the outset, we have difficulty comprehending how the weight of unused packing materials could conceivably constitute the entire excess weight of 980 pounds, and Mr. Rumfelt has not offered any evidence as to the weight of such materials. In any event, the statements made by Mr. Rumfelt are not sufficient to overcome the administrative report by the Army. The burden is on the claimant to establish his right to payment (4 C.F.R. § 31.7), and we rely on the factual report of the agency in the absence of sufficient evidence to the contrary. B-177639, March 9, 1973. Mr. Rumfelt has not met this burden of proof.

Accordingly, since the agency report shows that the tare and gross weights included the packing materials, the net weight of

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11,980 pounds would be correct. Therefore, the Claims Division Settlement Certificate dated January 3, 1977, disallowing Mr. Rumfelt's claim is sustained.

Atkinson
Deputy Comptroller General
of the United States

UNITED STATES GOVERNMENT

Louis J. Anderson
GENERAL ACCOUNTING OFFICE *cp*

Memorandum

TO : Director, Claims Division

November 30, 1977

Deputy
FROM : Comptroller General *W. K. Sullivan*

SUBJECT: Lewis J. Rumfelt - Transportation of Household Goods -
B-189783-O.M.

Returned herewith is your file Z-2601685 forwarded for our consideration on July 27, 1977, along with a copy of our decision of today B-189783, copy attached, sustaining the disallowance of Mr. Rumfelt's claim.

Attachments